

Message Text

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ACTION ARA-10

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TAGS: SHUM, CASC, AR

SUBJECT: JEHOVAH'S WITNESSES

REF: 76 BUENOS AIRES 7779

1. SUMMARY: GOA HAS ADDED PENALTY OF PERMANENT DEPRIVATION OF CIVIL RIGHTS TO JAIL TERMS ALREADY PRESCRIBED FOR THOSE SUCH AS JEHOVAH'S WITNESSES WHO REFUSE TO PERFORM MILITARY SERVICE. IN A RELATED ISSUE, THE EXPULSION OF STUDENTS AND SANCTIONS AGAINST THEIR FAMILIES FOR REFUSING TO PARTICIPATE IN PATRIOTIC SCHOOL CEREMONIES HAS DIMINISHED RECENTLY. THE WITNESSES' LEGAL BATTLE AGAINST EH 1976 DECREE BANNING THEIR ACTIVITIES IS GOING WELL IN THE COURTS AND THE WITNESSES HAVE RESUMED THEIR RELIGIOUS ACTIVITIES ON A LIMITED SCALE. END SUMMARY.

2. OFFICIAL GAZETTE DATED FEB. 23 CARRIED LAW 21.528 WHICH AMENDED ART. 668 BIS OF CODE OF MILITARY JUSTICE TO ADD/////..... PERMANENT AND ABSOLUTE DEPRIVATION OF CIVIL RIGHTS (VOTING, HOLDING GOVT. OFFICE, ETC.) TO JAIL TERMS ALREADY PROVIDED FOR REFUSAL TO MEET OBLIGATIONS OF MILITARY SERVICE. LAW APPLIES THIS SANCTION SPECIFICALLY TO THOSE HOLDING "AN INHERENT POSITION OF REBELLION AGAINST FULFILLMENT OF DUTIES OF CITIZENSHIP.. WHO INVOKE REASONS OF CONSCIENCE OR BELONGING TO PSEUDO-RELIGIOUS LIMITED OFFICIAL USE

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SECTS SUCH AS JEHOVAH'S WITNESSES, BIBLE READERS (LECTORES DE LA BIBLIA), ETCM

3. ABOUT 180 TO 200 WITNESSES ARE NOW IN JAIL FOR REFUSING TO PERFORM MILITARY SERVICE. THIS, HOWEVER, IS NO NEW DEVELOPMENT. WITNESSES HAVE BEEN SERVING TIME IN ARGENTINA IN LIEU OF MILITARY SERVICE SINCE THE 1950 BAN. THE NUMBER HAS INCREASED, HOWEVER,

FROM APPROXIMATELY 125 IN JAIL FOUR YEARS AGO TO TODAY'S ESTIMATE. THE STANDARD SENTENCE IS 3-1/2 YEARS WHICH MOST SERVE IN A MILITARY PRISON. THE REST ARE ABLE TO SERVE THEIR SENTENCE ON A MILITARY BASE. WHILE DETAINED, WITNESSES PERFORM NONCOMBATANT DUTIES (ORDERLIES, COOKS, ETC.) AND ARE OFTEN GIVEN LEAVE TO VISIT FAMILY AND FRIENDS. THERE ARE AS YET, NO CASES IN WHICH THE NEW SANCTIONS HAVE BEEN APPLIED.

4. EXPULSION OF STUDENTS OF WITNESS FAMILIES WHO REFUSE TO PARTICIPATE IN PATRIOTIC CEREMONIES IN SCHOOL HAS DIMINISHED IN RECENT MONTHS. ABOUT 25 STUDENTS IN THE PROVINCE OF MISIONES AND A HANDFUL OF STUDENTS THROUGH THE REST OF THE COUNTRY///... HAVE BEEN DENIED ENTRY TO PUBLIC SCHOOLS IN THE SEMESTER THAT BEGAN THIS MONTH. MOST OF THOSE REFUSED ENTRY ARE ATTENDING PRIVATE INSTITUTIONS. GOVERNMENT ACTIONS AGAINST THE PARENTS (LENGTHY QUESTIONING, ARRESTS, ETC) HAVE APPARENTLY STOPPED ALTOGETHER.

5. THE WITNESSES' LEGAL CASE AGAINST THE 1976 DECREE BANNING THEIR ACTIVITIES CONTINUES TO RECEIVE DUE PROCESS IN THE COURTS. IN A DECISION PUBLISHED FEBRUARY 22, 1977 THE TRIAL COURT NULLIFIED ARTICLE 1 OF THE DECREE WHICH IMPOSED A GENERAL BAN ON ALL WITNESS ACTIVITIES IN ARGENTINA BUT UPHELD ARTICLES 2 AND 3 WHICH PROHIBITED WITNESS PUBLICATIONS, BROADCASTS, PROSELYTIZING AND CLOSED DOWN THEIR MEETING PLACES. BOTH SIDES HAVE APPEALED TO THE NEXT HIGHEST COURT AND A DECISION IS EXPECTED NEXT MONTH. (A RELIABLE SOURCE HAS SAID THAT THE DECISION WILL BE IN FAVOR OF THE WITNESSES).

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6. DESPITE THE PRESSURE FROM THE CENTRAL GOVERNMENT, THE WITNESSES CONTINUE THEIR RELIGIOUS ACTIVITIES AT A REDUCED LEVEL WITH LITTLE HARRASSMENT BY LOCAL AUTHORITIES. RELIGIOUS SERVICES AND MEETINGS ARE HELD IN PRIVATE HOMES AND RELIGIOUS LITERATURE IS CAUTIOUSLY DISTRIBUTED. DOOR-TO-DOOR PROSELYTIZERS HAVE EXPERIENCE LITTLE OR NO HARRASSMENT. THERE HAVE BEEN NO INCIDENTS INVOLVING WITNESSES WHO ARE U.S. CITIZENS.

7. COMMENT: ADDING TO THE ARSENAL OF SANCTIONS AGAINST THE///... WITNESSES ILLUSTRATES DETERMINATION AND SERIOUSNESS WITH WHICH CURRENT GOVERNMENT IS PURSUING CAMPAIGN AGAINST THEM. ALTHOUGH THE WITNESSES BELIEVE THAT THE HIERARCHY IN THE CATHOLIC CHURCH IS RESPONSIBLE FOR THEIR DIFFICULTIES THE MORE PROBABLE REASON IS THE MORAL AND PRACTICAL CONVICTION OF THE STERNER MILITARY IN GOA THAT PRINCIPLE OF OBLIGATORY MILITARY SERVICE MUST BE STAUNCHLY UPHELD IN TIME OF WAR IN WHICH GOA FEELS IT IS ENGAGED. THE ACTION OF THE COURTS, HOWEVER, HAS REFLECTED AN EQUAL DEDICATION TO THE PRINCIPLES OF RELIGIOUS FREEDOM SET FORTH IN THE ARGENTINE CONSTITUTION AND COULD NULLIFY THE EXECUTIVE'S LATEST EFFORTS.

ALSO, THE ZEALOUSNESS WITH WHICH THE SANCTIONS ARE APPLIED IS
CLEARLY DISSIPATED AS THE ORDERS FOR ENFORCEMENT FILTER DOWN
TO THE LOCAL LEVEL. LOCAL AUTHORITIES HAVE FOUND IT HARD TO
PROSECUTE THE WITNESSES AS A GROUP SINCE THEY ARE WIDELY KNOWN
IN THE COMMUNITY FOR THEIR GOOD MORAL CHARACTER. IT IS DIFFICULT
THEREFORE TO PREDICT THE OUTCOME OF THE LATEST GOA EFFORTS
TO CLOSE THE WITNESSES DOWN.
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